

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/536,714
Applicant : DEBRUYNE, ET AL.
Filed : NOVEMBER 28, 2003
Title : COCHLEAR IMPLANT DRUG DELIVERY DEVICE

Art Unit : TO BE ASSIGNED
Examiner : TO BE ASSIGNED

Atty Docket No. : COCH-0149-US1

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.47(a)
AT LEAST ONE JOINT INVENTOR AVAILABLE

Sir:

Applicants submit the enclosed declaration and this petition under 37 C.F.R. § 1.47(a) since one of the joint inventors, Kristine Debruyne, is unavailable and refuses to sign the declaration. As required by 37 C.F.R. § 1.47(a) a petition to accept a declaration without all signatures of the inventors must contain the following:

- a. Oath or Declaration of the Remaining Available Inventors;
- b. Proof of Pertinent Facts; and
- c. Last Known Address of Nonsigning Inventor.

(See, MPEP § 409.03(a).).

A. Oath or Declaration of the Remaining Available Inventors

A declaration with the signatures of the available inventors, and a blank signature for the nonsigning inventor, Kristine Debruyne, is filed concurrently with this petition. The signatures of the available inventors should be treated as being made on behalf of the nonsigning inventor. (See, MPEP § 409.03(a).).

B. Proof of Pertinent Facts

05/09/2006 ATRAN1 00000142 10536714
03 FC:1463

In support of the present petition, Applicants enclose the following exhibits:

Exhibit A	Statement of Facts – Jayne Andrews
Exhibits B1-B2	E-mails sent by Jayne Andrews
Exhibit C	Statement of Facts – Kate Kralj

BEST AVAILABLE COPY

Exhibits D1-D16	E-mails sent and received by Kate Kralj
Exhibit E	Letter Delivered to Nonsigning Inventor
Exhibit F	Confirmation of receipt by Nonsigning Inventor

As shown in Exhibit A, the nonsigning inventor, Kristine Debruyne, orally refused to sign the declaration on May 4, 2006, in a telephone call with Jayne Andrews. In the refusal, Kristine Debruyne confirmed to Jayne Andrews that she received the declaration and patent application. An e-mail summarizing this telephone call is provided in Exhibit B1.

In addition to the nonsigning inventor's express refusal to sign the declaration, Applicants have submitted the following additional evidence of the nonsigning inventor's extended uncooperative behavior and general refusal to sign the declaration. A copy of the declaration and application was sent to the nonsigning inventor by e-mail on June 9, 2005 (Exhibit D1), by e-mail on August 25, 2005 (Exhibit D4), by e-mail on September 27, 2005 (Exhibit D5), and by courier and e-mail on April 26, 2006 (Exhibit E). In addition, the nonsigning inventor did not respond to repeated requests to sign the declaration sent on October 11, 2005 (Exhibit D7), November 3, 2005 (Exhibit D8), December 5, 2005 (Exhibit D9), February 3, 2006 (Exhibit D11), February 21, 2006 (Exhibit D12), and March 2, 2006 (Exhibit D13). However, the nonsigning inventor never provided a signature on the declaration in response to these numerous requests.

Also, the nonsigning inventor asked for an explanation on the requirement for her signature on October 3, 2005, and December 5, 2005. Two separate explanations were provided to the nonsigning inventor to clarify the necessity for her signature on October 11, 2005 (Exhibit D7), and January 11, 2006 (Exhibit B2), respectively. Thereafter, the nonsigning inventor never asked another question and knew the requirement for her signature, but still refused to sign. This is emphasized in her express refusal made to Jayne Andrews on May 4, 2006, where the nonsigning inventor raised no further questions on the requirement for her signature. (*See*, Exhibit A.).

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Also, a letter was sent by courier and e-mail on April 26, 2006, which provided the nonsigning inventor another copy of the application as well as the declaration. (*See*, Exhibit E). The letter delivered by courier was signed for by M De Bruyne on May 2, 2006. (*See*, Exhibit F). The nonsigning inventor confirmed that she received the letter delivered by courier to the undersigned.

In spite of all of these communications to the nonsigning inventor, Kristine Debruyn has not signed the declaration. These pertinent facts show that the nonsigning inventor expressly refused to sign the declaration, in spite of the numerous requests and attempts to provide the nonsigning inventor with information, the declaration, and the patent application.

C. Last Known Address of Nonsigning Inventor

The nonsigning inventor's, Kristine Debruyn, last known address is R. Dodoensstraat 72, 2800 Mechelen, Belgium. The undersigned has delivered by courier a letter, declaration and patent application to this address and the nonsigning inventor confirmed receipt.

Conclusion

The nonsigning inventor's express refusal to sign, the failure to sign the declarations, and the general uncooperative behavior clearly shows that Kristine Debruyn is available to sign the declaration. Therefore, Applicants request that this petition be granted and the declaration without Kristine Debruyn's signature be accepted, so that the remaining inventors may proceed with the prosecution of the above-identified patent application.

The Commissioner is hereby authorized to charge any additional fees which may be required under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to **Deposit**

Serial No.: 10/536,714
Petition under 37 C.F.R. § 1.47(a)

Account No. 10-0233, COCH-0149-US1. Please direct any inquiries in connection with this petition directly to the undersigned.

Respectfully submitted,

/Michael G. Verga 39,410/

Michael G. Verga
Registration Number 39,410

JAGTIANI + GUTTAG
Democracy Square Business Center
10363-A Democracy Lane
Fairfax, Virginia 22030
(703) 591-2664

May 4, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/536,714
Applicant : DEBRUYNE, ET AL.
Filed : NOVEMBER 28, 2003
Title : COCHLEAR IMPLANT DRUG DELIVERY DEVICE

Art Unit : TO BE ASSIGNED
Examiner : TO BE ASSIGNED

Atty Docket No. : COCH-0149-US1

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF FACTS - JAYNE ANDREWS

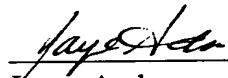
1. I, Jayne Andrews, am the IP Manager for Cochlear Limited, the assignee of the above-identified patent application.
2. I have spoken on the telephone with Kristine Debruyne on May 4, 2006, regarding her failure to sign the declaration for the above-identified patent application. A summary of that telephone conversation is included in Exhibit B1.
3. During the telephone call on May 4, 2006, Kristine Debruyne confirmed to me that she had received the application and declaration and is refusing to sign the declaration.
4. I also explained to Kristine Debruyne her contractual obligations under her employment agreement, to sign and return documents relating to patent applications in which she is named as an inventor.
5. I also explained to Kristine Debruyne that during the international phase of the PCT application, to which the above-identified application is a national stage application thereof, that Kristine Debruyne signed a Power of Attorney.
6. I also offered to address with Kristine Debruyne any grievances concerning her departure from Cochlear and Kristine Debruyne declined this offer.
7. I also offered to arrange for a Dutch/Belgian translation to be prepared for all of the relevant documents and Kristine Debruyne declined this offer.
8. I also explained to Kristine Debruyne that Cochlear have been requesting her signature since September 2005 and that Kristine Debruyne has refused to sign or elected to not respond to my requests.
9. Prior to the telephone conversation on May 4, 2006, I sent on January 11, 2006, an e-mail to Kristine Debruyne (Kristine@pandora.be) explaining her obligations to sign the declaration. In addition, I included a copy of the declaration and assignment (*See,*

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Exhibit B2).

10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued therefrom.

Respectfully signed this 4th day of May, 2006.


Jayne Andrews
IP Manager of Cochlear Limited

Untitled

Jayne
Andrews/CLTD/COH

04/05/2006 05:23
PM

Kristine,
kristine.debruyne@banksys.be

To

Mike.Verga@Jagtiani.com

cc

US Patent Application No 10/536714
(our ref: CID 275 US)

Subject

Dear Kristine

This is to confirm our telephone conversation today (at around 8am Belgium time, 4pm Sydney time), in which you refused to sign and return certain documents that had been sent to you in relation to US Patent No 10/536,714.

You will recall that I explained your contractual obligations to Cochlear, in which you are required to sign and return certain documents such as those enclosed with the correspondence you received from Mike Verga of Jagtiani + Guttag patent attorneys dated 26 April 2006. These documents were sent to you on numerous earlier occasions, starting from as early as September 2005.

You will also recall that I explained to you, the nature of an earlier document you signed when the patent application was in the "International Phase". This earlier document was a Power of Attorney, which confirmed Cochlear's right to act on your behalf as an inventor during the International Phase. However, the present documents we require you to sign and return, concern the national US stage of the application, which follows the International Phase.

You will also recall that I offered to discuss any grievances you happened to have concerning your departure from Cochlear, in case your refusal to sign and return the documents were related to any such grievances. You declined this offer, explaining that you "did not want to get CTC involved in this".

Next, I offered to arrange for a translation to be prepared of all of the relevant documents from English into Belgian, in case you were having difficulties understanding the English documents. Again, you declined this offer.

Finally, you will recall that I reminded you we had been offering to discuss this matter with you for a long time and you have elected to not respond.

In view of your refusal to sign and return these documents, we will be taking steps to proceed with the US patent application without your signature.

Regards,
Jayne

Untitled

Jayne Andrews
Patent Attorney/IP Manager
Cochlear Limited
14-16 Mars Road
PO Box 629
Lane Cove NSW 2066
AUSTRALIA
Tel: +61 2 9425 5274 (direct)
Tel: +61 2 9428 6555 (reception)
Fax: +61 2 9428 6353

=====

"The information contained in this e-mail message may be confidential information, and may also be privileged. If you are not the intended recipient, any use, interference with, disclosure or copying of this material is unauthorised and prohibited. If you have received this message in error, please notify us by return email and delete the original message."



Jayne Andrews TD/COH
11/01/2006 06:00 PM

To "Kristine" <kristine@pandora.be>
cc "Kate Kralj" <KKralj@cochlear.com.au>
bcc
Subject Re: URGENT: Formal documents for signature (Our ref: CID
275 US)

Hi Kristine

Kate asked me to reply to your query.

Basically, these are formalities documents and do not of themselves alter anything that was already in your contract of employment with Cochlear.

So for example, with the Assignment, this confirms that Cochlear owns the invention and is therefore entitled to apply for a patent. Your original contract of employment would have stated something along the lines that anything you invent as part of your employment with Cochlear is owned by Cochlear. Therefore, the Assignment serves to explicitly confirm this ownership by Cochlear. In the case that an inventor is not contactable or cannot sign for whatever reason, then we can still file a separate declaration stating that through a contract of employment, Cochlear owns the invention. But this is considerably more trouble for me to prepare and file. It usually ends up being much easier if the inventor can sign the Assignment, and we can then pay US\$500 incentive for the inventor's trouble in helping us with all aspects of the patent application process.

In relation to the Declaration, this is simply your acknowledgment that you are an inventor on the patent application. Again, we can file a separate declaration stating same, but this is not a first preference.

I hope you understand what this is about. Please feel free to give me a call if you would like to discuss this. Otherwise, I look forward to receiving the signed documents as a matter of urgency.

Thanks and regards,
Jayne



CID 275 US Inventor Declaration.pdf CID 275 US Assignment (KD).pdf

Jayne Andrews
Patent Attorney/IP Manager
Cochlear Limited
14-16 Mars Road
PO Box 629
Lane Cove NSW 2066
AUSTRALIA
Tel: +61 2 9425 5274 (direct)
Tel: +61 2 9428 6555 (reception)
Fax: +61 2 9428 6353
"Kristine" <kristine@pandora.be>



"Kristine"
<kristine@pandora.be>

08/12/2005 02:09 AM

Please respond to
"Kristine"
<kristine@pandora.be>

To "Kate Kralj" <KKralj@cochlear.com.au>
cc "Jayne Andrews" <JAndrews@cochlear.com.au>
Subject Re: URGENT: Formal documents for signature (Our ref: CID
275 US)

Dear Kate,

I still didn't receive an answer on the following (please refer to email below):

- Why do I need to sign?
- Which specific rights do you need me to give before you can proceed?

Thanks,
Kristine

----- Original Message -----

From: "Kate Kralj" <KKralj@cochlear.com.au>
To: <kristine@pandora.be>
Cc: "Jayne Andrews" <JAndrews@cochlear.com.au>
Sent: Monday, December 05, 2005 7:12 AM
Subject: Fw: URGENT: Formal documents for signature (Our ref: CID 275 US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/536,714
Applicant : DEBRUYNE, ET AL.
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Art Unit : TO BE ASSIGNED
Examiner : TO BE ASSIGNED

Atty Docket No. : COCH-0149-US1

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF FACTS – KATE KRALJ

1. I, Kate Kralj, am an assistant for Jayne Andrews the IP Manager for Cochlear Limited, which is the assignee of the above-identified patent application.
2. On June 9, 2005, I send to an e-mail to Kristine Debruyne (via Thomas Kaiser) requesting her signature on the declaration. In that e-mail I included a copy of the declaration, patent application and assignment. (*See*, Exhibit D1.). I received no response from Kristine Debruyne.
3. On June 16, 2005, I was informed by Thomas Kaiser that Kristine Debruyne no longer worked for Cochlear Technology Centre, a division of Cochlear Limited (*See*, Exhibit D2.).
4. On June 17, 2005, I sent an email to Thomas Kaiser asking for contact details for Kristine Debruyne (*See*, Exhibit D3.).
5. On August 25, 2005, I received an e-mail from Thomas Kaiser that he located Kristine Debruyne and forwarded the previous e-mail of June 9, 2005, to her. (*See*, Exhibit D4.).
6. On September 27, 2005, I sent a reminder e-mail to Kristine Debruyne (kristine@pandora.be) again asking for her signature on the declaration. I also included an additional copy of the documents (declaration and assignment). (*See*, Exhibit D5.).
7. On October 3, 2005, I received an e-mail from Kristine Debruyne (kristine@pandora.be) in which she acknowledged reviewing the documents. Also, Kristine Debruyne provided a new address and requested an explanation as to why she needed to sign the documents. (*See*, Exhibit D6.).
8. On October 11, 2005, I sent an e-mail to Kristine Debruyne (kristine@pandora.be) explaining how to make the change and provided an explanation regarding the requirement for her to sign. (*See*, Exhibit D7.).

Serial No.: 10/536,714
Petition under 37 C.F.R. § 1.47(a)

9. On November 3, 2005, and December 5, 2005, I sent a reminder e-mail to Kristine Debruyne (kristine@pandora.be) again requesting her signature. (*See*, Exhibits D8 and D9.).

10. On December 8, 2005, I received an e-mail from Kristine (kristine@pandora.be) requesting a further explanation of the necessity for her signature. (*See*, Exhibit D10.). I forward that e-mail to Jayne Andrews and Jayne responded on January 11, 2006. (*See*, Exhibit B2.).

11. On February 3, 2006, February 21, 2006, , I sent a reminder e-mail to Kristine Debruyne (kristine@pandora.be) again requesting her signature. (*See*, Exhibits D11 and D12.).

12. On March 2, 2006, I sent a courier letter to Kristine Debruyne's home address with a letter requesting her signature. (*See*, Exhibit D13.).

13. On March 17, 2006, I sent an e-mail to Carl Van Himbeeck to request his assistance in contacting Kristine Debruyne. (*See*, Exhibit D14.).

14. On March 17, 2006, I received an email from Carl Van Himbeeck in which he stated that he had forwarded the documents to Kristine Debruyne (*See*, Exhibit D15.).

15. On March 18, 2006, I received a forwarded message from Carl Van Himbeeck sent by Kristine Debruyne in which she stated that she is considering her position on "her rights vs. her obligations." (*See*, Exhibit D16).

Serial No.: 10/536,714
Petition under 37 C.F.R. § 1.47(a)

16. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued therefrom.

Respectfully signed this 4th day of May, 2006.


Kate Kralj
Assistant to the IP Manager
Cochlear Limited



9 June 2005

Dear Kristine

Cochlear Limited
14 Mars Road
Lane Cove NSW 2066
Australia

**Re: United States Patent Application
entitled 'Cochlear Implant Drug Delivery Device'
filed on 28 November 2003
(our ref: CID 275 US)**

Telephone 61 2 9428 6555
Facsimile 61 2 9428 6353

In relation to the above patent application, please find enclosed a Combined Declaration and Power of Attorney ('Declaration') and a copy of the patent specification presently on file.

We need you to sign and return the Declaration before this patent application can proceed any further in the United States. Please ensure that you initial and date any errors on the Declaration. We also need you to sign and return this letter after completing the questions below.

By signing this Declaration, you agree in good faith that the named inventor/s are the original and first inventor/s of the claimed invention. Importantly, you must be satisfied that each person listed on the Declaration provided an inventive contribution, and that there are no other names that should appear.

Here are some guidelines to help you decide if a person provided an inventive contribution. However, if you are still in doubt, then please contact the Patents Department for further help.

- Inventors are those who made a significant intellectual contribution to the development of the claimed invention.
- If two or more people work together to make an invention, and each had a share in the ideas forming the invention, then they are joint inventors. If, on the other hand, one person provided all of the ideas of the invention, and the other only followed instructions in making it, then the person who contributed the ideas is the sole inventor.
- The standards for co-inventorship of a patent are more stringent than for authorship on a paper. Determining who is named as an inventor on a patent is a legal decision rather than a choice made among participants, such as for a credit in a publication.

Thank you very much for your help,

Jayne Andrews
Patents Manager

1. Are you satisfied that each person named on the Declaration made an inventive contribution to the claimed invention? If no, then please give details below (or attach further information): Yes No

2. Are you satisfied that no other person should be named on the Declaration as an inventor? If no, then please give details (or attach further information): Yes No

Signature: _____ Date: _____



Kate Kralj/[REDACTED]/COH
09/06/2005 12:48 PM

To Thomas Kaiser/CTC/COH/[REDACTED]_NOTES
cc Jayne Andrews/CLTD/COH@COH_NOTES
bcc
Subject URGENT: Formal documents for signature (Our Ref: CID 275 US)

Dear Sir,

Re: US National Stage of International (PCT) Patent Application No. PCT/AU2003/001584
Entitled: "Cochlear Implant Drug Delivery Device"

Please find attached an Inventive Contribution document, a *Declaration and Power of Attorney* and an *Assignment* document in relation to the above application.

Please sign and date the relevant documents in the marked spaces, ensuring that any corrections made (e.g to address details, citizenship) are initialled and dated. Could you also please arrange for Kristine Debruyne and Dr Ben Kloeck to sign their applicable documents?

Once the documents have been completed, please return them to us as soon as possible (via e-mail or fax is acceptable). Please note that there is no absolute requirement for each inventor to sign the same copy of the *Declaration*.

Thank you very much.

Regards,

Kate



CID 275 -Documents for signature -Thomas Kaiser.pdf



CID 275 - Documents for signature -Ben Kloeck.pdf



CID 275 - Documents for signature - Kristine Debruyne.pdf



CID 275 US Patent Application.pdf

Kate Kralj
Patent Assistant
Cochlear Limited
PO Box 629
Lane Cove NSW 2066
AUSTRALIA
Tel: +61 2 9425 5367
Fax:+61 2 9428 6353

Thomas Kaiser/CTC/COH

16/06/2005 07:01 PM

To Kate Kralj/CLTD/COH@COH_NOTES

cc Jayne Andrews/CLTD/COH@COH_NOTES

bcc

Subject Re: URGENT: Formal documents for signature (Our Ref: CID
275 US) 

Hello Kate,

As requested I send you the signed and dated document.
I changed one very minor thing and that is the area code for Mechelen (=2800 not 2900 - is initialled)
Ben might already have informed you that Kristine Debruyne no longer works for us...

Cheers
Thomas
Kate Kralj/CLTD/COH

 Kate Kralj/CLTD/COH

09/06/2005 04:48

To Thomas Kaiser/CTC/COH@COH_NOTES

cc Jayne Andrews/CLTD/COH@COH_NOTES

Subject URGENT: Formal documents for signature (Our Ref: CID
275 US)

Dear Sir,

Re: US National Stage of International (PCT) Patent Application No. PCT/AU2003/001584
Entitled: "Cochlear Implant Drug Delivery Device"

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Thank you very much.

Regards,

Kate

[attachment "CID 275 -Documents for signature -Thomas Kaiser.pdf" deleted by Thomas Kaiser/CTC/COH] [attachment "CID 275 - Documents for signature -Ben Kloeck.pdf" deleted by Thomas Kaiser/CTC/COH] [attachment "CID 275 - Documents for signature - Kristine Debruyne.pdf" deleted by Thomas Kaiser/CTC/COH]

[attachment "CID 275 US Patent Application.pdf" deleted by Thomas Kaiser/CTC/COH]

Kate Kralj
Patent Assistant



Kate Kralj/CLTD/COH
17/06/2005 09:37 AM

To Thomas Kaiser/CTC/COH
cc
bcc
Subject Re: Fw: URGENT: Formal documents for signature (Our Ref: CID 275 US)

Dear Thomas,

Thank you very much for returning the signed documents.

If possible, could you please provide us with contact details for Kristine Debruyne. An e-mail address would be sufficient.

Thank you very much.

Regards,

Kate

Kate Kralj
Patent Assistant
Cochlear Limited
PO Box 629
Lane Cove NSW 2066
AUSTRALIA
Tel: +61 2 9425 5367
Fax:+61 2 9428 6353
Thomas Kaiser/CTC/COH

Thomas Kaiser/CTC/COH
16/06/2005 11:46 PM

To Kate Kralj/CLTD/COH@COH_NOTES
cc Jayne Andrews/CLTD/COH@COH_NOTES
Subject Fw: URGENT: Formal documents for signature (Our Ref: CID 275 US)

This time with attachment :-)

[attachment "CID_275_US_Signed_by_Thomas_Kaiser.pdf" deleted by Kate Kralj/CLTD/COH]

Cheers
Thomas

----- Forwarded by Thomas Kaiser/CTC/COH on 16/06/2005 11:03 -----

Thomas Kaiser/CTC/COH
16/06/2005 11:01

To Kate Kralj/CLTD/COH
cc Jayne Andrews/CLTD/COH@COH_NOTES
Subject Re: URGENT: Formal documents for signature (Our Ref: CID 275 US)

Hello Kate,

As requested I send you the signed and dated document.

I changed one very minor thing and that is the area code for Mechelen (=28 [REDACTED] 2900 - is initialled)
Ben might already have informed you that Kristine Debruyne no longer works for us...

Cheers
Thomas
Kate Kralj/CLTD/COH



Kate Kralj/CLTD/COH

09/06/2005 04:48

To Thomas Kaiser/CTC/COH@COH_NOTES
cc Jayne Andrews/CLTD/COH@COH_NOTES
Subject URGENT: Formal documents for signature (Our Ref: CID 275 US)

Dear Sir,

Re: US National Stage of International (PCT) Patent Application No. PCT/AU2003/001584
Entitled: "Cochlear Implant Drug Delivery Device"

Please find attached an Inventive Contribution document, a *Declaration and Power of Attorney* and an *Assignment* document in relation to the above application.

Please sign and date the relevant documents in the marked spaces, ensuring that any corrections made (e.g to address details, citizenship) are initialled and dated. Could you also please arrange for Kristine Debruyne and Dr Ben Kloeck to sign their applicable documents?

Once the documents have been completed, please return them to us as soon as possible (via e-mail or fax is acceptable). Please note that there is no absolute requirement for each inventor to sign the same copy of the *Declaration*.

Thank you very much.

Regards,

Kate

[attachment "CID 275 -Documents for signature -Thomas Kaiser.pdf" deleted by Thomas Kaiser/CTC/COH] [attachment "CID 275 - Documents for signature -Ben Kloeck.pdf" deleted by Thomas Kaiser/CTC/COH] [attachment "CID 275 - Documents for signature - Kristine Debruyne.pdf" deleted by Thomas Kaiser/CTC/COH]

[attachment "CID 275 US Patent Application.pdf" deleted by Thomas Kaiser/CTC/COH]

Kate Kralj
Patent Assistant
Cochlear Limited
PO Box 629
Lane Cove NSW 2066
AUSTRALIA
Tel: +61 2 9425 5367
Fax: +61 2 9428 6353

Thomas Kaiser/CTC/COH

25/08/2005 06:07 PM

To Kate Kralj/CLTD/COH@COH_NOTES

cc Ben Kloeck/CTC/COH@COH_NOTES, Jayne Andrews/CLTD/COH@COH_NOTES

bcc

Subject Re: Fw: URGENT: Formal documents for signature (Our Ref: CID 275 US)

History:

This message has been replied to.

Hi Kate,

I got hold of Kristine and sent her the info. Her e-mail is: kristine@pandora.be

Cheers
Thomas
Kate Kralj/CLTD/COH

Kate Kralj/CLTD/COH

09/08/2005 08:36

To Ben Kloeck/CTC/COH@COH_NOTES

cc Thomas Kaiser/CTC/COH@COH_NOTES, Jayne Andrews/CLTD/COH@COH_NOTES

Subject Fw: URGENT: Formal documents for signature (Our Ref: CID 275 US)

Dear Dr Kloeck,

Re: US National Stage of International (PCT) Patent Application No. PCT/AU2003/001584
Entitled: "Cochlear Implant Drug Delivery Device"

Please refer to the e-mail below.

This is just a friendly reminder to sign and complete the attached relevant documents.

If possible, could you please provide us with an e-mail address for Kristine Debruyne (which would provide us with an additional contact address).

Thank you very much.

Regards,

Kate

----- Forwarded by Kate Kralj/CLTD/COH on 09/08/2005 04:19 PM -----

Kate Kralj/CLTD/COH

09/06/2005 12:48 PM

To Thomas Kaiser/CTC/COH

cc Jayne Andrews/CLTD/COH@COH_NOTES

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Thank you very much.

Regards,

Kate



CID 275 -Documents for signature -Thomas Kaiser.pdf



CID 275 - Documents for signature -Ben Kloeck.pdf



CID 275 - Documents for signature - Kristine Debruyne.pdf



CID 275 US Patent Application.pdf

Kate Kralj
Patent Assistant
Cochlear Limited
PO Box 629
Lane Cove NSW 2066
AUSTRALIA
Tel: +61 2 9425 5367
Fax:+61 2 9428 6353

E-MAILED

27/9/05

Kate Kralj/CLTD/COH
27/09/2005 11:15 AM

To kristine@pandora.be
cc Jayne Andrews/CLTD/COH@COH_NOTES
bcc
Subject URGENT: Formal documents for signature (Our ref: CID 275
US)

Dear Kristine,

Re: US National Stage of International (PCT) Patent Application No. PCT/AU2003/001584
Entitled: "Cochlear Implant Drug Delivery Device"

Recently, Thomas Kaiser forwarded you some documents that required your signature. Would you be able to sign them as soon as possible? Please ensure that any corrections made (e.g to address details, citizenship) are initialled and dated. Please also note that there is no absolute requirement for each inventor to sign the same copy of the *Declaration*.

I have attached these documents again for your convenience.

Thank you very much.

Regards,

Kate



CID 275 - Documents for signature - Kristine Debruyne.pdf

Kate Kralj
Patent Assistant
Cochlear Limited
PO Box 629
Lane Cove NSW 2066
AUSTRALIA
Tel: +61 2 9425 5367
Fax: +61 2 9428 6353



9 June 2005

Cochlear Limited
14 Mars Road
Lane Cove NSW 2066
Australia

Dear Kristine

Re: **United States Patent Application**
entitled 'Cochlear Implant Drug Delivery Device'
filed on 28 November 2003
(our ref: CID 275 US)

Telephone 61 2 9428 6555
Facsimile 61 2 9428 6353

In relation to the above patent application, please find enclosed a Combined Declaration and Power of Attorney ('Declaration') and a copy of the patent specification presently on file.

We need you to sign and return the Declaration before this patent application can proceed any further in the United States. Please ensure that you initial and date any errors on the Declaration. We also need you to sign and return this letter after completing the questions below.

By signing this Declaration, you agree in good faith that the named inventor/s are the original and first inventor/s of the claimed invention. Importantly, you must be satisfied that each person listed on the Declaration provided an inventive contribution, and that there are no other names that should appear.

Here are some guidelines to help you decide if a person provided an inventive contribution. However, if you are still in doubt, then please contact the Patents Department for further help.

- Inventors are those who made a significant intellectual contribution to the development of the claimed invention.
- If two or more people work together to make an invention, and each had a share in the ideas forming the invention, then they are joint inventors. If, on the other hand, one person provided all of the ideas of the invention, and the other only followed instructions in making it, then the person who contributed the ideas is the sole inventor.
- The standards for co-inventorship of a patent are more stringent than for authorship on a paper. Determining who is named as an inventor on a patent is a legal decision rather than a choice made among participants, such as for a credit in a publication.

Thank you very much for your help,

Jayne Andrews
Patents Manager

1. Are you satisfied that each person named on the Declaration made an inventive contribution to the claimed invention? If no, then please give details below (or attach further information): Yes No

2. Are you satisfied that no other person should be named on the Declaration as an inventor? If no, then please give details (or attach further information): Yes No

Signature: _____ Date: _____



"Kristine"
<kristine@pandora.be>

03/10/2005 01:30 AM

Please respond to
"Kristine"
<kristine@pandora.be>

To "Kate Kralj" <KKralj@cochlear.com.au>
cc "Jayne Andrews" <JAndrews@cochlear.com.au>
bcc
Subject Re: URGENT: Formal documents for signature (Our ref: CID 275 US)

Dear Kate,

Thank you for your mail.

I quickly went through the documents. Could you assure that my current address is noted: R.
Dodoensstraat 72, 2800 Mechelen.

Why is it still necessary that I sign these documents? As you might know, I'm no longer working for
Cochlear.

Thanks,
Kristine

email: kristine@telenet.be

gsm: +32 499 585367

----- Original Message -----

From: "Kate Kralj" <KKralj@cochlear.com.au>
To: <kristine@pandora.be>
Cc: "Jayne Andrews" <JAndrews@cochlear.com.au>
Sent: Tuesday, September 27, 2005 3:15 AM
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> Kate Kralj
> Patent Assistant
> Cochlear Limited
> PO Box 629
> Lane Cove NSW 2066
> AUSTRALIA
> Tel: +61 2 9425 5367
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> =====
>
> "The information contained in this e-mail message may be confidential information, and may also be
privileged. If you are not the intended recipient, any use, interference with, disclosure or copying of this
material is unauthorised and prohibited. If you have received this message in error, please notify us
by return email and delete the original message."



Kate Kralj/COH
11/10/2005 10:54 AM

To "Kristine" <kristine@pandora.be>
cc
bcc
Subject Re: URGENT: Formal documents for signature (Our ref: CID
275 US)

Dear Kristine,

Thank you for your reply.

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> PO Box 629
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> Tel: +61 2 9425 5367
> Fax:+61 2 9428 6353
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> ======
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privileged. If you are not the intended recipient, any use, interference with, disclosure or copying of this
material is unauthorised and prohibited. If you have received this message in error, please notify us
by return email and delete the original message."

Kate Kralj/CLTD/COH
03/11/2005 02:50 PM

To kristine@pandora.be
cc Jayne Andrews/CLTD/COH@COH_NOTES
bcc
Subject Fw: URGENT: Formal documents for signature (Our ref: CID 275 US)

Dear Kristine,

This is just a friendly reminder to sign and return the attached documents.

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Thank you very much.

Regards,

Kate



CID 275 - Documents for signature - Kristine Debruyne.pdf

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Patent Assistant
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PO Box 629
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AUSTRALIA
Tel: +61 2 9425 5367
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----- Forwarded by Kate Kralj/CLTD/COH on 03/11/2005 02:40 PM -----

Kate Kralj/CLTD/COH
11/10/2005 10:54 AM

To "Kristine" <kristine@pandora.be>
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 Kate Kralj/CLTD/COH
05/12/2005 05:12 PM

To kristine@pandora.be
cc Jayne Andrews/CLTD/COH@COH_NOTES
bcc
Subject Fw: URGENT: Formal documents for signature (Our ref: CID 275 US)

Dear Kristine,

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Thank you very much.

Regards,

Kate

Kate Kralj
Patent Assistant
Cochlear Limited
PO Box 629
Lane Cove NSW 2066
AUSTRALIA
Tel: +61 2 9425 5367
Fax:+61 2 9428 6353

----- Forwarded by Kate Kralj/CLTD/COH on 05/12/2005 05:10 PM -----

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03/11/2005 02:50 PM

To kristine@pandora.be
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CID 275 - Documents for signature - Kristine Debruyne.pdf

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Patent Assistant
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Lane Cove NSW 2066
AUSTRALIA
Tel: +61 2 9425 5367



"Kristine"
<kristine@p...ora.be>

08/12/2005 02:09 AM

Please respond to
"Kristine"
kristine@pandora.be

To "Kate Kralj" <KKralj@cochlear.com.au>
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Dear Kate,

I still didn't receive an answer on the following (please refer to email below):

- Why do I need to sign?
- Which specific rights do you need me to give before you can proceed?

Thanks,
Kristine

----- Original Message -----

From: "Kate Kralj" <KKralj@cochlear.com.au>
To: <kristine@pandora.be>
Cc: "Jayne Andrews" <JAndrews@cochlear.com.au>
Sent: Monday, December 05, 2005 7:12 AM
Subject: Fw: URGENT: Formal documents for signature (Our ref: CID 275 US)



Kate Kralj/CLTD/COH
03/02/2006 12:07 PM

To kristine@pandora.be
cc Jayne Andrews/CLTD/COH@COH_NOTES
bcc
Subject Fw: URGENT: Formal documents for signature (Our ref: CID 275 US)

PLEASE CONFIRM RECEIPT OF THIS EMAIL

Dear Kristine,

Further to Jayne's email of 11 January 2006, we would appreciate the signed documents as soon as possible (please refer to below).

Please note that the absolute deadline for filing the signed documents is 4 April 2006.

Thank you very much.

Regards,

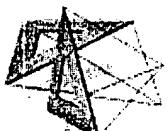
Kate

----- Forwarded by Kate Kralj/CLTD/COH on 31/01/2006 10:30 AM -----



Kate Kralj/CLTD/COH
31/01/2006 10:27 AM

To kkralf@cochlear.com.au
cc
Subject Fw: URGENT: Formal documents for signature (Our ref: CID 275 US)



Jayne
Andrews/CLTD/COH
11/01/2006 06:06 PM

To "Kristine" <kristine@pandora.be>
cc "Kate Kralj" <KKralj@cochlear.com.au>
Subject Re: URGENT: Formal documents for signature (Our ref: CID 275 US)

Hi Kristine

Kate asked me to reply to your query.

Basically, these are formalities documents and do not of themselves alter anything that was already in your contract of employment with Cochlear.

So for example, with the Assignment, this confirms that Cochlear owns the invention and is therefore entitled to apply for a patent. Your original contract of employment would have stated something along the lines that anything you invent as part of your employment with Cochlear is owned by Cochlear. Therefore, the Assignment serves to explicitly confirm this ownership by Cochlear. In the case that an inventor is not contactable or cannot sign for whatever reason, then we can still file a separate declaration stating that through a contract of employment, Cochlear owns the invention. But

this is considerably more trouble for me to prepare and file. It usually ends up being much easier if the inventor can sign the Assignment, and we can then pay US\$500 incentive for the inventor's trouble in helping us with all aspects of the patent application process.

In relation to the Declaration, this is simply your acknowledgment that you are an inventor on the patent application. Again, we can file a separate declaration stating same, but this is not a first preference.

I hope you understand what this is about. Please feel free to give me a call if you would like to discuss this. Otherwise, I look forward to receiving the signed documents as a matter of urgency.

Thanks and regards,
Jayne



CID 275 US Inventor Declaration.pdf CID 275 US Assignment (KD).pdf

Jayne Andrews
Patent Attorney/IP Manager
Cochlear Limited
14-16 Mars Road
PO Box 629
Lane Cove NSW 2066
AUSTRALIA
Tel: +61 2 9425 5274 (direct)
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Sent: Monday, December 05, 2005 7:12 AM
Subject: Fw: URGENT: Formal documents for signature (Our ref: CID 275 US)

>
>

> AUSTRALIA
> Tel: +61 2 9425 5
> Fax:+61 2 9428 6353
> ----- Forwarded by Kate Kralj/CLTD/COH on 03/11/2005 02:40 PM -----
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> Kate
> Kralj/CLTD/COH
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To 11/10/2005 10:54 "Kristine" <kristine@pandora.be>
> AM
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Subject Re: URGENT: Formal documents for
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 (Document link: Kate Kralj)
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> To: <kristine@pandora.be>
> Cc: "Jayne Andrews" <JAndrews@cochlear.com.au>
> Sent: Tuesday, September 27, 2005 3:15 AM
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Kate Kralj/CLTD/COH

21/02/2006 05:23 PM

To kristine@pandora.be

cc Jayne Andrews/CLTD/COH@COH_NOTES

bcc

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Kate



CID 275 Declaration -Kristine.pdf



CID 275 Assignment -Kristine.pdf

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Patent Assistant
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Patent Attorney/IP Manager
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AUSTRALIA
Tel: +61 2 9425 5274 (dir. [REDACTED])
Tel: +61 2 9428 6555 (reception)
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"Kristine" <kristine@pandora.be>



"Kristine"
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08/12/2005 02:09 AM

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> Kate Kralj
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> Lane Cove NSW 2066
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> Tel: +61 2 9425 5367
> Fax:+61 2 9428 6353
> ----- Forwarded by Kate Kralj/CLTD/COH on 03/11/2005 02:40 PM -----
>
> Kate
Kralj/CLTD/COH
>
To
> 11/10/2005 10:54 "Kristine" <kristine@pandora.be>
> AM
cc
>
>
Subject
>
>
>
Re: URGENT: Formal documents for
signature (Our ref: CID 275 US)
(Document link: Kate Kralj)
>
>
>
>
>
>
>

>
> Dear Kristine,
>
> Thank you for your reply.
>
> If you need to make an amendment to your address, please cross out the
> incorrect one on the Assignment document, and write the correct one next
> to it. Please make sure that you initial and date the correction though,
as
> the United States Patent & Trademark Office has very strict guidelines
that
> must be abided by.
>
> We realise that you no longer work for Cochlear Technology Centre.
However,
> as you were an employee at the time the inventive was done, it is
necessary
> for you to complete the documents.
>
> We would appreciate it if you could sign and return these documents as
soon
> as possible, as the absolute deadline for filing them is approaching.
>
> Thank you very much.
>
> Regards,
>
> Kate
>
>
> Kate Kralj
> Patent Assistant
> Cochlear Limited
> PO Box 629
> Lane Cove NSW 2066
> AUSTRALIA
> Tel: +61 2 9425 5367
> Fax:+61 2 9428 6353
>
>
>
> "Kristine"
> <kristine@pandora
.be>
To
>
> 03/10/2005 01:30
AM
CC
>
>
> Please respond to
Subject
> "Kristine"
> <kristine@pandora
.be>
>
>
>
>
>
>
>
>
>
> Dear Kate,

"Kate Kralj"
<KKralj@cochlear.com.au>

"Jayne Andrews"
<JAndrews@cochlear.com.au>

Re: URGENT: Formal documents for
signature (Our ref: CID 275 US)

>
> Thank you for your mail.
>
> I quickly went through the documents. Could you assure that my current
> address is noted: R. Dodoensstraat 72, 2800 Mechelen.
>
> Why is it still necessary that I sign these documents? As you might
know,
> I'm no longer working for Cochlear.
>
> Thanks,
> Kristine
>
> email: kristine@telenet.be
> gsm: +32 499 585367
>
> ----- Original Message -----
> From: "Kate Kralj" <KKralj@cochlear.com.au>
> To: <kristine@pandora.be>
> Cc: "Jayne Andrews" <JAndrews@cochlear.com.au>
> Sent: Tuesday, September 27, 2005 3:15 AM
> Subject: URGENT: Formal documents for signature (Our ref: CID 275 US)
>
>
>
> Dear Kristine,
>
> Re: US National Stage of International (PCT) Patent Application No.
> PCT/AU2003/001584
> Entitled: "Cochlear Implant Drug Delivery Device"
>
> Recently, Thomas Kaiser forwarded you some documents that required your
> signature. Would you be able to sign them as soon as possible? Please
> ensure that any corrections made (e.g to address details, citizenship)
> are
> initialled and dated. Please also note that there is no absolute
> requirement for each inventor to sign the same copy of the Declaration.
>
> I have attached these documents again for your convenience.
>
> Thank you very much.
>
> Regards,
>
> Kate
>
> (See attached file: CID 275 - Documents for signature - Kristine
> Debruyne.pdf)
>
>
>
>
> Kate Kralj
> Patent Assistant
> Cochlear Limited
> PO Box 629
> Lane Cove NSW 2066
> AUSTRALIA
> Tel: +61 2 9425 5367
> Fax: +61 2 9428 6353
>
> ======
>
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> =====
>
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recipient, any use, interference with, disclosure or copying of this
material is unauthorised and prohibited. If you have received this message
in error, please notify us by return email and delete the original
message."

DHL COURIER REQUEST

**All information must be filled out for a shipment

Your Name:	Kate Kralj	Your Dept Code:	426
------------	------------	-----------------	-----

Send to:

Attention:	Kristine Debruyne
Company:	N/A
Address: (not a PO Box)	R. Dodoensstraat 72 2800 Mechelen Belgium
Phone #:	

Contents:

<u>Detailed description of items:</u> (please add more overleaf if needed) (description of "samples" is not enough to clear customs)	Documents
How many individual items in the parcel?:	4
Value of <u>each</u> item: (for customs purposes, everything apart from documents requires a value):	\$ AUD
For what purpose are you sending the items? (testing, samples, repair, marketing etc):	Business communication

1, Kate Kralj, sent Kristine Debruyne
documents requiring signature on

2 March 2006.

Kralj



2 March 2006

**Attention: Kristine Debruyne
R. Dodoensstraat 72
2800 Mechelen
Belgium**

Cochlear Limited
ACN 002 618 073
14 Mars Road
PO Box 629
Lane Cove NSW 2066
Australia
Telephone 61 2 9428 6555
Fax 61 2 9428 6353

**RE: US Patent Application No. 10/536714
Entitled: "Cochlear Implant Drug Delivery Device"
Our Ref: CID 275 US**

Dear Kristine,

Further to my email reminders of 3 February 2006 and 21 February 2006, please find enclosed documents requiring completion.

Could you please sign, date and return these documents as soon as possible. Please note that there is no absolute requirement for each inventor to sign the same copy of the *Declaration*.

Please attend to this as a matter of urgency. The final deadline for filing these documents with the United States Patent Office is approaching. Failure to file the documents prior to this deadline will result in the patent application becoming abandoned.

Thank you very much for your assistance.

Yours sincerely,

Kate Kralj
Patent Assistant


Kate Kralj/CLTD/COH
17/03/2006 03:28 PM

To Carl Van Himbeeck/CTC/COH_COH_NOTES
cc Jayne Andrews/CLTD/COH@COH_NOTES
bcc
Subject Contact details for Kristine Debruyne

Hi Carl,

We have been attempting to contact Kristine Debruyne for a number of months, as we require her to sign formalities documents.

Jan Janssen has advised us that you have maintained contact with her, since her departure from Cochlear Technology Centre. We have sent her two important documents for completion via email and air mail. However, we still haven't received any reply.

If these documents are not filed prior to 4 May 2006, then the patent application will become abandoned.

If you could assist us in contacting her in relation to the above, we would appreciate it greatly. I have attached a copy of these documents in anticipation that you will be successful in communicating this reminder to her.

Thank you very much.

Regards,

Kate



CID 275 Assignment -Kristine.pdf



CID 275 Declaration -Kristine.pdf

Kate Kralj
Patent Assistant
Cochlear Limited
PO Box 629
Lane Cove NSW 2066
AUSTRALIA
Tel: +61 2 9425 5367
Fax: +61 2 9428 6353

Carl Van
Himbeeck/CTC/COH
17/03/2006 09:56 PM

To :Kate Kralj/CLTD/COH@COH_NOTES
cc
bcc
Subject: Re: Contact details for Kristine Debruyne

I have forwarded this to company where she works now. The email address is.

kristine.debruyne@banksys.be

If not reply in short notice we can call to the company. The number is:

+32 2 727 67 93

Kind regards,

Carl

Kate Kralj/CLTD/COH



Kate Kralj/CLTD/COH
03/17/2006 05:28 AM

To : Carl Van Himbeeck/CTC/COH@COH_NOTES
cc : Jayne Andrews/CLTD/COH@COH_NOTES
Subject: Contact details for Kristine Debruyne

Hi Carl,

We have been attempting to contact Kristine Debruyne for a number of months, as we require her to sign formalities documents.

Jan Janssen has advised us that you have maintained contact with her, since her departure from Cochlear Technology Centre. We have sent her two important documents for completion via email and air mail. However, we still haven't received any reply.

If these documents are not filed prior to 4 May 2006, then the patent application will become abandoned.

If you could assist us in contacting her in relation to the above, we would appreciate it greatly. I have attached a copy of these documents in anticipation that you will be successful in communicating this reminder to her.

Thank you very much.

Regards,

Kate

[attachment "CID 275 Assignment -Kristine.pdf" deleted by Carl Van Himbeeck/CTC/COH]
[attachment "CID 275 Declaration -Kristine.pdf" deleted by Carl Van Himbeeck/CTC/COH]

Kate Kralj
Patent Assistant
Cochlear Limited
PO Box 629

Lane Cove NSW 2066
AUSTRALIA
Tel: +61 2 9425 5367
Fax:+61 2 9428 6353



"Kristine"
<kristine@pandora.be>
18/03/2006 04:39 AM
Please respond to
"Kristine"
<kristine@pandora.be>

To <CVanHimbeeck@cochlear.be>
cc "Kate Kralj" <KKralj@cochlear.com.au>, "Jayne Andrews"
<JAndrews@cochlear.com.au>
bcc
Subject Re: Contact details for Kristine Debruyne

Dear Carl,

I have indeed received this request from Cochlear Australia and I am currently considering my position on this : what are my rights versus my obligations, etc.

By all means, please don't take this personal, but I prefer to continue this discussion with Cochlear Australia instead of with Cochlear Belgium.

Wishing you all the best,

Kristine

-----Original Message-----

From: CVanHimbeeck@cochlear.be [mailto:CVanHimbeeck@cochlear.be]
Sent: Friday 17 March 2006 11:53
To:
Subject: Fw: Contact details for Kristine Debruyne

Dag Kristine,

Ja we zijn je nog niet vergeten.

Hoe is het anders nog met jullie?

Kan je deze documenten ondertekenen AUB?

Dank u,

Carl

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➤ Via Courier & E-Mail (Kristine@pandora.be)

April 26, 2006

Ms. Kristine Debruyne
R. Dodoensstraat 72
2800 Mechelen
BELGIUM

➤ Re: U.S. Patent Application: 10/536,714
For: COCHLEAR IMPLANT DRUG DELIVERY DEVICE (DEBRUYNE, *et al.*)
Your Ref.: CID 275 US
Our Ref: COCH-0149-US1

Dear Ms. Debruyne:

Pursuant to my voicemail message on April 26, 2006, we are US attorneys representing Cochlear Limited.

It has come to our attention that you have refused to sign a declaration of inventorship for the captioned patent application, a copy of which is enclosed. By signing the declaration you affirm that you and the others identified in the declaration are coinventors of the subject matter claimed in the patent application.

A declaration executed by all coinventors MUST be filed in the United States Patent and Trademark Office (USPTO) for an application to be processed by the USPTO. Otherwise, the application will be considered abandoned, with all potential and actual rights in the intellectual property disclosed in the application being forfeited by Cochlear Limited.

According to the employment agreement which you executed on May 9, 2003, you have an contractual obligation to execute documents such as the enclosed declaration. This obligation extends beyond your employment with Cochlear. An English language translation of the relevant sections of the employment agree are attached for your review.

Please return a signed copy of the declaration to our office by May 1, 2006. We have enclosed an envelop for you to return the declaration for your convenience. Please contact for us to arrange for the delivery of the envelop. You may also return the declaration electronically to Mike.Verga@Jagtiani.com.

Ms. Kristine Debruy
April 26, 2006
Page 2



Jagtiani+Guttag
Protecting your ideas*

Should you refuse the declaration after reviewing the patent application or refuse to accept this letter and the enclosed application, we will be forced to proceed with the application without you. If this is the case, please indicate your refusal and return the same to our office by May 1, 2006. You may use the enclosed envelop to send your refusal.

Please keep in mind that should you force us to proceed with this application without you, such a course of action requires us to prepare a number of documents explaining the circumstances surrounding your refusal, thereby increasing Cochlear's costs in this endeavor. There is also a risk that Cochlear may forfeit its rights in the intellectual property due to your refusing to sign.

There may be significant costs for you as well should we proceed in this manner. For example, the USPTO may contact you separately and you may have to retain separate legal counsel. Cochlear may seek recovery of any costs associated with these events, may seek a court order for your specific performance under relevant terms of your employment agreement, and/or may seek damages if there is a loss of rights associated with your refusal to execute the declaration.

Your cooperation is desired so that we may resolve the matter without taking further action. To facilitate this process, Cochlear has authorized for me to compensate you for your time at some reasonable hourly rate up to USD \$1000 for reviewing the enclosed paperwork and for executing and returning the declaration.

Thank you in advance for your cooperation.

Very truly yours,
JAGTIANI + GUTTAG

Michael G. Verga

MGV:KDF:jcw

enc. Application (Via Courier & E-mail)
Declaration (Via Courier & E-mail)
Return Envelop and Courier label

cc: Jayne Andrews (Via E-mail w/enc.)

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Tracking number	790408723216	Reference	COCH-0149-US1
Signed for by	M. DE BRUYNE	Destination	MECHELEN BE
Ship date	Apr 27, 2006	Service type	International Priority Service
Delivery date	May 2, 2006 11:00 AM		

Status	Delivered
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Date/Time	Activity	Location	Details
May 2, 2006 11:00 AM	Delivered	MECHELEN BE	

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Ship to:	Kristine Debruyne R. Dodoensstraat 72 Mechelen, 2800 BE 32 499 585367	Package Type: Pickup/Drop Off: Weight: Dimensions: Declared Value: Shipper Account Number: Bill transportation to: Bill duty/taxes to: Courtesy Rate Quote Special Services: Purpose: Shipment Type:	FedEx Pak Drop Off 2 LBS 0 x 0 x 0 in 1 USD 194326513 194326513 194326513 *44 Express
From:	AJAY JAGTIANI JAGTIANI GUTTAG 10363-A DEMOCRACY LANE FAIRFAX, VA 22030 US 7035912664		
Tracking no:	790408723216		
Your reference:	COCH-0149-US1		
Ship date:	Apr 26 2006		
Service Type:	International Priority		

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